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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,410	11/04/2004	Oscar Bravo	1515-1048	9553
465 7590 03/24/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER HUQ, FARZANA B	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 03/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/501,410

**Applicant(s)**

BRAVO ET AL.

**Examiner**

FARZANA HUQ

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/14/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the application filed on November 14, 2008. Claims 1 and 9 are amended. The examiner withdraws 35 U.S.C 112 first and second paragraph as necessary corrections were made the claims. The examiner further withdraws 35 U.S.C. 101 rejection. The examiner mistakenly submitted an outdated rejection, therefore, a new replacement Non-final office rejection is being provided to replace the dated 1/26/2009 rejection. The statutory period for reply will reset from the new Non-final Rejection.

Claims 1-18 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(c) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-18 are rejected under 35 U.S.C. 102(c) as being anticipated by Jun Kametani (U.S. Patent 7283537) hereinafter Kametani.

Kametani teaches the invention as claimed including network system and packet data transmission method.

5. As per claim 1, Kametani discloses a control system in a system comprising: a plurality of service providers; a plurality of network providers, any service provider of the plurality of service providers orders a product at any network provider of the plurality of network providers and enables the network provider to manage information for delivering said product in a telecommunication network to the service provider (figure 3, col. 1 lines 26-35, col. 3 lines 42-54, col. 4 lines 4-30); means arranged to register a product type order, from a service provider, at a network provider (col. 1 lines 5-15, col. 8 lines 49-col. 9 lines 4); means arranged to identify the network technology of the network provider for the ordered product type, based on predetermined registered network technology information (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67); means arranged to create and register an order based on said product type order from the service provider (col. 7 lines 48-col. 8 lines 38, col. 8 lines 59-67); means arranged to translate the communication protocols that the service provider is using to the communication protocols of the network technology of the network provider, which translation is based on said predetermined registered network

technology information (col. 3 lines 42-67, col. 4 lines 31-67, col. 5 lines 20-54); and means arranged to deliver said product, in accordance with the registered order, to the service provider (col. 4 lines 31-67, col. 7 lines 27-col. 8 lines 5, col. 8 line 59-col. 9 lines 4).

6. As per claim 2, Kametani discloses a system wherein the control system is arranged to coordinate a plurality of network technologies simultaneously, based on the predetermined registered network information, by translating the protocol of the service provider to the protocol of each and every one of these different network technologies (col. 3 lines 42-67, col. 4 lines 31-67, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

7. As per claim 3, Kametani discloses a system wherein the control system is arranged to register and manage data associated with every product during the lifetime of the product (col. 7 lines 48-col. 8 lines 38, col. 8 lines 59-67).

8. As per claim 4, Kametani discloses a system wherein the control system is arranged to register data associated with installed network resources (figure 3, col. 1 lines 20-35, col. 4 lines 37-67, col. 8 lines 49-col. 9 lines 4).

9. As per claim 5, Kametani discloses a system wherein the control system is arranged to monitor status about, book, connect and release said installed network resources, based on said registered data associated with the installed network resources (col. 3 lines 36-col. 4 lines 30, col. 7 lines 48-col. 8 lines 38).

10. As per claim 6, Kametani discloses a system wherein the control system is arranged to adapt the communication protocols that the service provider is using, to network elements included in the network technology, which network elements can have different versions, different manufacturers, be of different types and have different technical solutions, based on

said predetermined registered network technology information (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

11. As per claim 7, Kametani discloses a system wherein the control system means arranged to deliver said product, in accordance with the registered order, to the service provider, is arranged to change or cancel the delivery of said product (col. 4 lines 31-67, col. 7 lines 27-col. 8 lines 5, col. 8 line 59-col. 9 lines 4).

12. As per claim 8, Kametani discloses a system wherein the control system is arranged to define a given product by means of forming the product using at least one predetermined registered data set (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

13. As per claim 9, Kametani discloses a method comprising: registering a product type order from a service provider of a plurality of service providers, at a network provider of a plurality of network providers; identifying the network technology of the network provider for the ordered product type, based on predetermined registered network technology information (figure 3, col. 1 lines 26-35, col. 3 lines 42-54, col. 4 lines 4-30, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67); creating and registering an order based on said product type order from the service provider; translating the communication protocols that the service provider is using, to the communication protocols of the network technology of the network provider, based on said predetermined registered network technology information (col. 1 lines 5-15, col. 3 lines 42-67, col. 4 lines 31-67, col. 5 lines 20-54, col. 8 lines 49-col. 9 lines 4); and delivering said product, in accordance with the registered order, to the service provider, wherein any service provider of the plurality of service providers orders a product at any network

provider of the plurality of network providers and enables the network provider to manage information for delivering said product in a telecommunication network to the service provider (figure 3, col. 1 lines 26-35, col. 3 lines 42-54, col. 4 lines 4-30).

14. As per claim 10, Kametani discloses a method comprising the step of: coordinating a plurality of network technologies simultaneously, based on the predetermined registered network information, by translating the protocol of the service provider to the protocol of each and every one of these different network technologies (col. 3 lines 42-67, col. 4 lines 31-67, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

15. As per claim 11, Kametani discloses a method comprising the step of: registering and managing data associated with every product during the lifetime of the product (col. 7 lines 48-col. 8 lines 38, col. 8 lines 59-67).

16. As per claim 12, Kametani discloses a method comprising the step of: registering data associated with installed network resources (figure 3, col. 1 lines 20-35, col. 4 lines 37-67, col. 8 lines 49-col. 9 lines 4).

17. As per claim 13, Kametani discloses a method comprising the step of: monitoring status about, book, connect and release said installed network resources, based on said registered data associated with the installed network resources (col. 3 lines 36-col. 4 lines 30, col. 7 lines 48-col. 8 lines 38).

18. As per claim 14, Kametani discloses a method comprising the step of: adapting the communication protocols that the service provider is using, to network elements included in the network technology, which network elements can have different versions, different manufacturers, be of different types and have different technical solutions, based on said

predetermined registered network technology information (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

19. As per claim 15, Kametani discloses a method wherein the delivery of a product, in accordance with the registered order, to the service provider, can be changed or cancelled (col. 4 lines 31-67, col. 7 lines 27-col. 8 lines 5, col. 8 line 59-col. 9 lines 4).

20. As per claim 16, Kametani discloses a method wherein a given product is defined by means of forming the product using at least one predetermined registered data set (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67).

21. As per claim 17, Kametani discloses a method when the computer-executable components are run on microprocessor included by the unit (col. 1 lines 5-15, col. 3 lines 36-67).

22. As per claim 18, Kametani discloses a control system comprising: a plurality of service providers; a plurality of network providers; a processor programmed with software that enables any service provider of a plurality of service providers to order a product at any network provider of the plurality of network providers and enables a network provider of the plurality of network providers to manage information for delivering said product in a telecommunication network to a service provider of the plurality of service providers by performing the method of: registering a product type order from the service provider, at the network provider (figure 3, col. 1 lines 5-15 and lines 26-35, col. 3 lines 42-54, col. 4 lines 4-30, col. 8 lines 49-col. 9 lines 4); identifying the network technology of the network provider for the ordered product type, based on predetermined registered network technology information (col. 3 lines 42-54, col. 5 lines 20-36, col. 6 lines 62-col. 7 lines 4, col. 8 lines 32-67, col. 10 lines 55-67); creating and registering an order based on said product type order from the service provider (col. 7 lines 48-col. 8 lines 38,



col. 8 lines 59-67); translating the communication protocols that the service provider is using, to the communication protocols of the network technology of the network provider, based on said predetermined registered network technology information (col. 3 lines 42-67, col. 4 lines 31-67, col. 5 lines 20-54); and delivering said product, in accordance with the registered order, to the service provider (col. 4 lines 31-67, col. 7 lines 27-col. 8 lines 5, col. 8 line 59-col. 9 lines 4).

### ***Conclusion***

23. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HUQ whose telephone number is (571)270-3223. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Farzana Huq/  
Examiner, Art Unit 2455

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455